

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

PAIN MANAGEMENT & SURGERY)
CENTER OF SOUTHERN INDIANA, INC.,)
on behalf of itself and all others similarly situated,)

Plaintiff,)

v.)

Case No. 1:09-CV-00459-DFH-JMS

CIGNA CORPORATION, CIGNA)
HEALTHCARE, INC., and CIGNA)
HEALTHCARE OF INDIANA, INC.,)

Defendants.)

**DEFENDANTS' CONSENT TO MOTION TO TRANSFER CASE TO
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY**

NOW COME Defendants CIGNA CORPORATION, CIGNA HEALTHCARE, INC., and CIGNA HEALTHCARE OF INDIANA, INC., by and through their attorneys, Daniel K. Ryan, Renee M. Mortimer, and Jennifer Kalas of the law firm of Hinshaw & Culbertson LLP, and hereby consent to the Motion to Transfer Case to United States District Court for the District of New Jersey filed by plaintiff, PAIN MANAGEMENT & SURGERY CENTER OF SOUTHERN INDIANA, INC., stating as follows:

1. On September 4, 2009, plaintiff filed its Motion to Transfer Case to United States District Court for the District of New Jersey (Document No. 25). As plaintiff states in its motion, at the time this putative class action was filed, there was a similar putative class action pending in the United States District Court for the District of New Jersey for more than two years prior, *Franco v. Connecticut Gen. Life Ins. Co.*, Case No. 2:07-cv-6039. The *Franco* case had been consolidated with three other similar cases also pending in that court.

2. In the context of Rule 26(f) discussions, counsel for the defendants herein raised the pending *Franco* case and the likelihood of duplication of discovery efforts and costs. Defendants' counsel therefore raised the possibility of the need to move to transfer this case to the District of New Jersey so as to avoid unnecessary duplication of efforts and costs. The parties also discussed a possible stipulation whereby the plaintiff herein would agree to coordinate any discovery efforts herein with those occurring within the *Franco* case.

3. On the day on which the parties herein had agreed to exchange proposed case management orders, September 4, 2009, plaintiff's counsel notified defendants' counsel for the first time that they intended to file a motion to transfer the instant case to the United States District Court for the District of New Jersey. Plaintiff's counsel forwarded a copy of their motion to transfer that same day, stating that they intended to file the motion that same day and asked if defendants would agree to the motion. Given the extremely short amount of time within which to consider the motion, as well as the Labor Day weekend, defendants were unable to review the motion with their clients that afternoon. Plaintiff therefore proceeded to file the motion that day.

4. Defendants have now had an opportunity to consider the motion and discuss it with their clients. Defendants hereby consent to the motion, conditioned upon plaintiff's promise, as stated in its motion, that plaintiff will not object to the consolidation of this case with the *Franco* case upon transfer.

WHEREFORE, Defendants CIGNA CORPORATION, CIGNA HEALTHCARE, INC., and CIGNA HEALTHCARE OF INDIANA, INC. respectfully request that this Court transfer this case to the United States District Court for the District of New Jersey for purposes of consolidating it with the pending action venued in that district and captioned *Franco v.*

Connecticut Gen. Life Ins. Co., et al., Consolidated Case No. 2:07-cv-6039, and for such other and further relief as this Court deems just and proper in the premises.

Respectfully submitted,

CIGNA CORPORATION, CIGNA
HEALTHCARE, INC., CIGNA
HEALTHCARE OF INDIANA, INC.

By: /s/ Daniel K. Ryan

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CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that on September 11, 2009, I served the foregoing CONSENT TO MOTION TO TRANSFER CASE by filing it with the Court's CM/ECF system, which will make copies of the document available to all counsel of record on September 11, 2009:

By: /s/Daniel K. Ryan

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